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10/749,998	12/31/2003	David Marmaros	24207-10092	9955

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EXAMINER

THAI, HANH B

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/749,998

Applicant(s)

MARMAROS ET AL.

Examiner

Hanh B. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 10/12/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is Final Office Action in response to the amendment filed October 12, 2006. Independent claims 1, 18 and 24 have been amended. Claims 31-32 are newly added. Claims 1-32 are pending in this application.

Response to Arguments

2. Applicant's arguments regarding "executing a search query on a local index having a data store about content local to at least one of a user initiating the search query and a client device from which the search query is initiated" of claims 1, 18 and 24 have been fully considered but they are not persuasive.

Holt clearly discloses executing a search query on "the special purpose search resource" reads on "a search query on a local index" (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt) having a data store about content local to at least one of a user initiating the search query (the lower right circle 206, Fig.2 must contain "special resources" or "content" local to "individual site" corresponding to "a user initiating the search query").

Furthermore, examiner points out that the amended limitation "a data store about content local to at least one of a user initiating the search query" does not really carry a patentable weight. The Holt reference teaches executing a search query on a local index having a data store (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt) and no matter what is in the data store the Holt system will has ability to execute them all including "the data about content local to the user". Examiner maintains having a data store about content local to the user is inherent in the disclosure by Holt of the client system 100 in Figure 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 12-27 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Holt et al. (US 6,601,061 B1).

Regarding claim 1, Holt discloses a method comprising:

- executing a search query on a local index (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses executing a search query on “the special purpose search resource” reads on “a search query on a local index”) having a data store about content local to at least one of a user initiating the search query and a client device from which the search query is initiated (Fig.1-2, Holt);
- receiving a first result set from the local index, the first result set relevant to the search query (abstract; col.3, lines 54-67; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses receiving a search result from “the special purpose search resource” reads on “a first result set from the local index”);
- receiving a second result set from a global index, the second result set relevant to the search query (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-

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16 and lines 25-28 and col. 11, lines 25-35, Holt discloses receiving a search result from “the public search” reads on “a second result set from a global index”); and

- combining the first result set with the second result set to create a combined result set (abstract; col. 4, lines 45-55 and 11, lines 25-35, Holt discloses merging the special purpose search result and public search result into a combined search result).

Regarding claim 2, Holt further discloses receiving the search query (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt).

Regarding claim 3, Holt discloses wherein receiving the search query comprises intercepting a search query directed to the global index (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt).

Regarding claims 4 and 25, Holt discloses ranking the combined result set (col.5, lines 46-56).

Regarding claims 5 and 26, Holt discloses wherein the combined result set comprises a merged result set (abstract; col. 4, lines 45-55 and 11, lines 25-35).

Regarding claim 6, Holt discloses wherein the combined result content display window comprising a first section for displaying the first result set and a second section for displaying the second result set (Fig.2; col.3, lines 34-53 and col.12, lines 25-28).

Regarding claim 7, Holt discloses generating a user interface comprising the combined result set (Fig.2 and col. 10, lines 48-57).

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Regarding claims 8 and 27, Holt discloses wherein combining the first result set with the second result set to create a combined result set comprises: identifying a first article identifier in the first result set; and replacing a second article identifier in the second result set with the first article (col.6, lines 41-62 and col.9, lines 1-27).

Regarding claim 12, Holt discloses wherein receiving the search query comprises receiving the search query in a network monitor (col.10, lines 1-10).

Regarding claim 13, Holt discloses wherein the local index comprises a database (col.5, lines 11-25).

Regarding claim 14, Holt discloses wherein the database comprises a pre-generated result set (col.5, lines 11-25).

Regarding claim 15, Holt discloses wherein the local index comprises a list of files (col.5, lines 11-25).

Regarding claims 16-17, Holt does not disclose wherein the local index comprises an email application or a chat application. Holt discloses that special search resources include on-line search sources (col.5, lines 4-10 and col.6, lines 4-16). Therefore, these resources must inherently include email or chat applications.

Regarding claim 18, Holt discloses a method comprising:

- identifying a global query directed against a global index (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt);
- initiating a local query against a local index having a data store about content local to at least one of a user initiating the global query and a client device from

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which the global query is initiated (Fig.1-2, Holt), the local query based at least in part on the global query (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses executing a search query on “the special purpose search resource” reads on “a search query on a local index”);

- identifying a response from the global index (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt);
- receiving a response from the local index (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt); and
- creating a combined display based at least in part on the response from the global index and the response from the local index (abstract; col. 4, lines 45-55 and 11, lines 25-35, Holt discloses merging the special purpose search result and public search result into a combined search result).

Regarding claim 19, Holt discloses wherein the local query and the global query occur in parallel (col.4, line 66 to col.5, line 10).

Regarding claim 20, Holt discloses ignoring the response from the local index if the response from the local index is not received within a predetermined time after the response from the global index is received (col.5, lines 34-45).

Regarding claim 21, Holt discloses wherein creating a combined display based at least in part on the response from the global index and the response from the local index comprises modifying the response from the global index (col.6, lines 41-62 and col.7, lines 44-59).

Regarding claim 22, Holt discloses wherein creating a combined display based at least in part on the response from the global index and the response from the local index comprises

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creating a new display, wherein the response from the local index and the response from the global index are contained in separate sections (Fig.2; col.6, lines 41-62 and col.7, lines 44-59).

Regarding claim 23, Holt discloses wherein creating a combined display based at least in part on the response from the global index and the response from the local index comprises creating a new display combining the response from the local index and the response from the global index (Fig.2; col.6, lines 41-62 and col.7, lines 44-59).

Regarding claim 24, Holt discloses a computer-readable medium on which is encoded program code, the program code comprising:

- program code for executing a search query on a local index (col.3, lines 54-67; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses executing a search query on “the special purpose search resource” reads on “a search query on a local index”) having a data store about content local to at least one of a user initiating the search query and a client device from which the search query is initiated (Fig.1-2, Holt);
- program code for receiving a first result set from the local index, the first result set relevant to the search query (abstract; col.3, lines 54-67; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses receiving a search result from “the special purpose search resource” reads on “a first result set from the local index”);
- program code for receiving a second result set from a global index, the second result set relevant to the search query (abstract; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt discloses

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receiving a search result from “the public search” reads on “a second result set from a global index”); and

- program code for combining the first result set with the second result set to create a combined result set (abstract; col. 4, lines 45-55 and 11, lines 25-35, Holt discloses merging the special purpose search result and public search result into a combined search result).

Regarding claim 31, Holt discloses wherein the local index is not publicly accessible (col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt).

Regarding claim 32, Holt discloses wherein the local content about the user is at least one of not present on and not related to the client device from which the search query is initiated (Fig.1-2; col.4, lines 26-45; col.5, lines 5-10; col.8, lines 12-16 and lines 25-28 and col. 11, lines 25-35, Holt).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al. (US 6,601,061 B1) in view of Reisman (US 6,611,862 B2).

Regarding claims 9-11 and 28-30, Holt discloses all of the claimed limitations as discussed above, except wherein receiving the search query comprises receiving the search query

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in a proxy server, a browser plug-in or a firewall. Reisman discloses user software that controls transport and presentation of content from a remote resource including the user of the plug-in browser (col.24, line 48 to col. 25, line 11) or the proxy server to receive the query request (col.44, lines 31-48, Reisman). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Holt to include the claimed features as taught by Reisman. The motivation of doing so would have been to efficiently and security controls the receiving request query (col.44, lines 43-47, Reisman).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

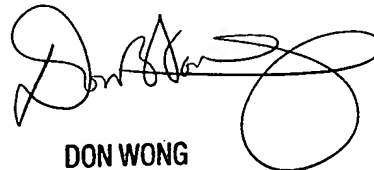
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 8, 2007

Hanh B Thai
Examiner
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A handwritten signature in black ink, appearing to read 'Don Wong', with a large, stylized loop at the end.

DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100